

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

---

**SCOTT TURNAGE, CORTEZ D. BROWN,  
DEONTAE TATE, JEREMY S. MELTON,  
ISSACCA POWELL, KEITH BURGESS,  
TRAVIS BOYD, and TERRANCE DRAIN on  
behalf of themselves and  
all similarly situated persons,**

**Plaintiffs,**

**Case No. 2:16-cv-02907-SHM/tmp**

**v.**

**Consolidated with**

**Case No.: 2:17-cv-02015-JTF-dkv**

**BILL OLDHAM, in his individual capacity  
and in his official capacity as the Sheriff of  
Shelby County, Tennessee; ROBERT  
MOORE, in his individual capacity and in  
his official capacity as the Jail Director of  
the Shelby County, Tennessee; CHARLENE  
McGHEE, in her individual capacity and in  
her official capacity as the of Assistant Chief  
Jail Security of Shelby County, Tennessee;  
DEBRA HAMMONS, in her individual  
capacity and in her official capacity as the  
Assistant Chief of Jail Programs of Shelby  
County, Tennessee; SHELBY COUNTY,  
TENNESSEE, a Tennessee municipality;  
and TYLER TECHNOLOGIES, INC., a  
foreign corporation,**

**Defendants.**

---

**DEFENDANT TYLER TECHNOLOGIES, INC.'S MOTION TO DISMISS  
SECOND AMENDED CLASS ACTION COMPLAINT**

---

Defendant Tyler Technologies, Inc. ("Tyler") moves this Court to dismiss the Second

Amended Class Action Complaint for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6). Plaintiffs bring only one claim of negligence against Tyler. Plaintiffs' conclusory allegations are not sufficient to state a claim for negligence against Tyler as a matter of law. In addition, the negligence claim is precluded by the economic loss doctrine. Tyler relies upon a memorandum in support of its Motion to Dismiss submitted contemporaneously herewith.

WHEREFORE, Tyler moves this Court to grant its Motion to Dismiss and for other such relief to which it may be entitled.

Dated: May 26, 2017

Respectfully submitted,

s/ Bradley E. Trammell

Bradley E. Trammell (# 13980)

**BAKER DONELSON BEARMAN CALDWELL  
& BERKOWITZ**

165 Madison Ave. Ste. 2000

Memphis, TN 38103

Telephone: 901-526-2000

[btrammell@bakerdonelson.com](mailto:btrammell@bakerdonelson.com)

Beth Bivans Petronio (admitted *pro hac vice*)

Texas Bar No. 00797664

**K&L GATES, LLP**

1717 Main Street, Suite 2800

Dallas, Texas 75201

Telephone: (214) 939-5500

[beth.petronio@klgates.com](mailto:beth.petronio@klgates.com)

**COUNSEL FOR TYLER  
TECHNOLOGIES, INC.**

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that on May 26, 2017, a true and correct copy of the foregoing document was forwarded by electronic means through the Court's ECF System and/or email to:

Frank L. Watson , III  
WATSON BURNS, LLC  
253 Adams Ave  
Memphis, TN 38103

Michael G. McLaren  
William E. Cochran, Jr.  
Brice M. Timmons  
BLACK McLAREN JONES RYLAND  
& GRIFFEE PC  
530 Oak Court Drive, Suite 360  
Memphis, TN 38117

*Counsel for Plaintiffs*

Joseph S. Ozment  
THE LAW OFFICE OF JOSEPH S.  
OZMENT, PLLC  
1448 Madison Ave.  
Memphis, TN 38104

Claiborne Ferguson  
THE CLAIBORNE FERGUSON LAW  
FIRM P.A.  
294 Washington Avenue  
Memphis, TN 38103

*Counsel for Plaintiffs*

Robert E. Craddock , Jr.  
Odell Horton, Jr.  
Amber Floyd  
WYATT TARRANT & COMBS  
P.O. Box 775000  
Memphis, TN 38177-5000

Emmett Lee Whitwell  
Shelby County Attorney's Office  
160 N. Main Street  
Suite 950  
Memphis, TN 38103

*Counsel for Defendants Sheriff Bill Oldham,  
Jail Programmer Debra Hammons, Chief  
Jailor Robert Moore, Assistant Jailor  
Charlene McGhee, and Shelby County,  
Tennessee*

*Counsel for Defendants Sheriff Bill Oldham,  
Jail Programmer Debra Hammons, Chief  
Jailor Robert Moore, Assistant Jailor  
Charlene McGhee, and Shelby County,  
Tennessee*

s/ Bradley E. Trammell  
Bradley E. Trammell